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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,258	12/27/2000	Earl Hennenhoefer	00-40387-US	4827

7590 11/16/2005

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EXAMINER

BROWN, RUEBEN M

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/749,258	HENNENHOEFER ET AL.	
	Examiner	Art Unit	
	Reuben M. Brown	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,6,22-28,30 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,6,22-28,30 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/21/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-6, 22-28, 30 & 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinwiddie, (U.S. Pat # 6,481,013), in view of McArthur, (U.S. Pat # 5,805,806).

Considering claim 5, the claimed local RF receiver and baseband out intelligent device system for transmitting digital information onto an RF carrier through a wideband distribution network, comprising 'at least one addressable device' is met by the distribution unit 22 of Dinwiddie, see Fig. 1B & col. 4, lines 38-55. Dinwiddie does not explicitly show a BUD, however the cable in unit of McArthur, (Fig. 1) reads on the claimed subject matter. It would

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have been obvious for one of ordinary skill in the art the time the invention was made, to modify Dinwiddie with the feature of a BUD, at least for the desirable benefit of an additional layer of processing in a home system as taught by McArthur, col. 2, lines 15-45 & col. 6, lines 1-25.

The claimed feature of splitting the digital signal into an IP and non-IP portion is met by the operation of Dinwiddie, which transmits TV programming and web TV programming to the user terminal, col. 3, lines 25-35 & col. 4, lines 38-67.

The demodulator that receives that modulated RF digital sign from the BUD is met by the Dinwiddie, col. 7, lines 55-67 & col. 8, lines 36-67. The claimed 'combiner' for creating the high speed digital transmission is met by the Dinwiddie col. 5, lines 18-35.

The claimed RF splitter is met by the notch filter 70, Fig. 2. The claimed 'at least two band pass filters' reads on the low pass and high pass filter combination shown on Fig. 2-4.

Considering claim 6, the claimed bandpass filters, correspond with subject matter mentioned above in the rejection of claim 5, and are likewise treated.

Considering claims 22-23, the claimed intelligent device system, include elements that correspond with subject matter mentioned above in the rejection of claim 5, and are likewise analyzed. As for the claimed channel detector that receives traffic data is by Dinwiddie, col. 5, lines 55-67.

Regarding claim 23-25, 28 & 30-31, the instant claim additionally recites a wireless, intelligent device, which is also met by Dinwiddie that teaches the use of wireless keyboard for accessing the system, col. 5, lines 1-30. Dinwiddie also specifically discusses wireless transmission of data, using the 2.5-5. MHz bandwidth, col. 12, lines 57-67 & col. 13-col. 14.

Considering claims 26-27, the claimed wireless demodulator is necessarily included in Dinwiddie.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Blahut Teaches local distribution of video signals.

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Any response to this action should be mailed to:

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or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER